

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
NOV 20 2006  
  
**CLERK**

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UNITED STATES OF AMERICA, \* CR 06-40061

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CR 06-40061

Plaintiff,

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vs.

## ORDER

AURELIO C. DeHARO,

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Defendant.

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Pending before the Court is Defendant Aurelio C. DeHaro's Motion for Leave to File Continuance Motion Untimely, Doc. 13, and Defendant Aurelio C. DeHaro's First Motion to Continue, Doc. 24, requesting a 60 day continuance in the dates now in force for the filing of pretrial motions, hearing, plea deadline and trial, and the Government does not object. After consideration of the file in this matter, the Court finds that failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and further that failure to grant the continuance would deny the public interest in bringing this case to trial in an orderly fashion. Further, the Court finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the Defendant in a speedy trial. For all of those reasons as well as those set forth in the Motion,

**IT IS ORDERED:**

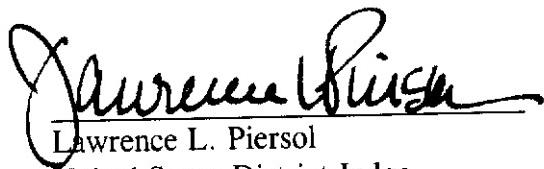
1. That Defendant's Motion for Leave to File Continuance Motion Untimely, Doc. 13, is granted.
  2. That Defendant's First Motion to Continue, Doc. 14 is granted in part and denied in part.
  3. That all other motions as to Defendant herein be filed and served on or before December 15, 2006; that opposing counsel respond thereto on or before December 22, 2006; and a hearing thereon will be held before The Honorable John E. Simko, in Sioux Falls, South Dakota, on Wednesday, January 3, 2007, at 2:30 P.M.; and the Court will

not consider a stock motion for leave to file further motions, however, the Court will consider a motion filed by a party after the deadline if the party can show good cause as to why the motion was late filed.

4. That January 16, 2007, is hereby set as the deadline for submission to the Court of any proposed plea agreement.
5. That all motions in limine shall be in writing and filed, together with proposed instructions, with the Court ten (10) working days before trial.
6. That the jury trial herein for Defendant shall commence in Sioux Falls, South Dakota, on Tuesday, February 13, 2007, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.
7. That the period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense for the Defendants must commence, as the Court finds that the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).
8. That the dates herein may be modified upon good cause shown.

Dated this 20<sup>n</sup> day of November, 2006.

BY THE COURT:



Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY: Suey Margulies  
DEPUTY